IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.541 OF 2004

Mr Mahavir Jain ... Petitioner

v/s

Ashish Investments and anr. ... Respondents

Ms Brenda D'Souza i/b Mr Vipin Kamdi for Petitioner.

Mr N.J. Devashrayee for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 13TH SEPTEMBER 2005.

P.C. :-

1. Heard learned counsel for the petitioner. The submission of the petitioner was that the limitation was for six months and not three years. The petitioner has placed reliance on bye-law No.248C. Bye-law No.248 shows that it does not apply to a dispute between broker and his client, it relates to sub-broker and the client. The learned counsel appearing for petitioner is not able to show me any bye-law which would show that the period of limitation laid down in the bye-laws for the dispute between the petitioner and the respondent is not three years. So far as the counter claim is concerned, the Arbitral Tribunal has rejected the counter claim because the petitioner was not able to produce any evidence. Perusal of the award shows that the petitioner has practically admitted the claim and he was only making a counter claim, but he did not produce any evidence to prove the counter claim. Therefore, I do not find any reason to interfere with the award. Petition is rejected.

. Parties to act on the copy of this order duly authenticated by the Associate / Personal Secretary of this Court as true copy.

. Certified copy expedited.